

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK OF COURT  
APR 10 2007  
DISTRICT OF MASSACHUSETTS  
JULIA J. WILSON

\_\_\_\_\_  
Joseph T. Carmack

Petitioner, Pro Se

National Mediation Board  
Special Board of Adjustment No. 928

Respondent  
\_\_\_\_\_

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) Civil Action No. 05-10185-PBS  
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**MEMORANDUM**

**IN SUPPORT OF NOTICE OF GOOD CAUSE FOR FAILURE OF SERVICE OF  
SUMMONS AND PETITION PER FEDERAL RULE OF CIVIL PROCEDURE  
RULE 4(m) AND MOTION FOR ENLARGEMENT OF TIME PER FEDERAL  
RULE OF CIVIL PROCEDURE RULE 6(b)(2)**

**I. INTRODUCTION**

Petitioner Joseph T. Carmack ("petitioner") hereby moves for an order of enlargement of time to summons the respondent, the National Mediation Board, Special Board of Adjustment No. 928 ("SBA-928" or "respondent") with the petition for judicial review in the above captioned case. As grounds therefore, petitioner states that he has perceived a conflict between wording of the Railway Labor Act ("RLA") regarding judicial review and Federal Rules for Civil Procedure, Rule 4 indicating that no service of

process by the petitioner would be required. Wherefore, petitioner prays for an order that will permit him to rectify and compensate for the error.

## **II. FACTS RELEVANT TO CAUSE FOR MOTION**

1. Petitioner filed petition for judicial view on January 31, 2005. Petitioner explained to the clerk receiving the petition that petitioner believed that filing the petition initiated a response by the clerk to requisition the case. *Exhibit 1* The clerk stated that he would find out. The clerk handed the petitioner incomplete copies of summonses which included a Court seal and signature. *Exhibit 2*

2. On February 1, 2005, notice was entered in the Docket stating as follows:

Summons issued as to National Mediation Board Special Board of Adjustment No. 928 (Patch, Christine) (Entered 02/01/2005)

*Exhibit 3*

When petitioner noticed this entry a few months later, petitioner understood that it indicated that the clerk had transmitted a copy of the petition to the respondent pursuant to the directive of the Railway Labor Act:

A copy of the petition shall be forthwith transmitted by the clerk of the court to the Adjustment Board. The Adjustment Board shall file in the court, the record of the proceedings on which it based its action. *45 U.S.C. s. 153 First (q)*

3. Petitioner is also plaintiff in ADA discrimination and wrongful termination case 03-12488 filed in this Honorable Court alleging the same transactions or omissions at issue in petition for judicial review. *Exhibit 4*

4. Petitioner also filed civil rights action in case 05-11430 filed in this Honorable Court against two defendants who are joint employer with, and the corporate successor to, the carrier represented in the instant case. *Exhibit 5*

5. From December 2004 to November 2005, petitioner was engaged in discovery process in case 03-12488, which included multiple subpoenas, depositions, requests for production of documents, interrogatories and discovery motion practice.

6. From November 2005 to February 2006 Plaintiff was preparing cross-motion response to motion for summary judgment in case 03-12488.

7. From November 2005 to March 2006 petitioner was defending against motions to dismiss in case 05-11430.

8. In March 2006, petitioner called by telephone to the clerk's office of this Honorable Court to ask if the above captioned case file had been received from the National Mediation Board. Clerk's office informed petitioner that the clerk requires a copy of the summons from the petitioner first. *Exhibit 1*

9. Also, in March 2006, petitioner conferred by telephone with a representative in the Legal Office for the National Mediation Board to discuss summons and proper address for NMB. The representative informed the petitioner that the NMB would require an order from the court and would expect the case to be re-filed in order for the NMB to respond to the summons. *Ibid*

10. From March 2006 to November 2006 petitioner committed to a payment Plan to address outstanding medical debt incurred for ongoing medical treatment. Petitioners work hours were increased to meet the requirements of the payment plan. *Ibid*

11. In September 2006, this Honorable Court filed report and recommendations on motions to dismiss case 05-11430.

12. During October through November 2006, petitioner and Defendants in case 05-11430 filed objections and responses to Report and Recommendations in case

05-11430. This Honorable Court adopted the Report and Recommendations in November 2006.

13. During the Fall 2006, petitioner lost use of his personal computer and printer for document preparation. Petitioner is required to use commercial word processing and printer at an increased hourly cost to prepare presentable documents and correspondence for this Honorable Court and parties. *Id.*

14. From November 2006 through January 20, 2007, petitioner conferred with defendants in case 05-11430 and parties filed further preliminary motions including motions for dismissal from the defendants. A hearing was held on those motions on April 4, 2007.

15. In February 2007, this Honorable Court issued Report and Recommendations on cross-motions for summary judgment in case 03-12488 recommending summary judgment be allowed to defendant and denied to the plaintiff who is the petitioner for judicial review in the instant case.

16. On March 12, 2007, this Honorable Court issued a dismissal of the instant case pending a good cause shown by the petitioner within 30 days. *Docket #2*

17. On or about March 15, 2007, petitioner contacted a representative of the Legal Office of the National Mediation Board to discuss the records of the case for Award 328 by SBA-928. Amber Holmes of the NMB stated that the record of the proceedings for award No. 382 were in order and could be filed with this Honorable Court upon service of a current summons and order of the Court the same as if a timely summons had been served. *Exhibit 1*

18. After objection and response to Report and Recommendations on cross-motions for summary judgment in case 03-12488, this Honorable Court adopted the Report and Recommendations and entered judgment against the plaintiff, who is also petitioner in the instant case, on March 22, 2007.

### **III. ACCEPTABLE LEGAL STANDARD**

#### **A. Commencement of Action and Summons**

Pursuant to Federal Rules of Civil Procedure (“F.R.C.P.”) Rule 3, “A civil action is commenced by filing a complaint with the court.” In addition, pursuant to *F.R.C.P.*, *Rule 4*, upon filing a complaint, if the summons is in proper form, Rule 4(c) requires that the summons be served together with a copy of the complaint. The plaintiff is responsible for service. When a summons and complaint are served on an agency or corporation of the United States, they are served by sending a copy of the summons and complaint by registered or certified mail to the officer, employee, agency, or corporation and: the plaintiff must also deliver a copy of the summons and the complaint to the United States attorney for the district in which the action is brought and; service is effected “by also sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia...”. *F.R.C.P. Rule 4(i)* Proper form for the summons is as follows:

The summons shall be signed by the clerk, bear the seal of the court, identify the Court and the parties, be directed to the defendant, and state the name and address of the plaintiff’s attorney or, if unrepresented, of the plaintiff. It shall also state the time within which the defendant must appear and defend, and notify the defendant that failure to do so will result in a judgment by default against the defendant for the relief demanded in the complaint. The court may allow a summons to be amended.

*F.R.C.P. Rule 4(a)*

#### **B. Enlargement of Time.**

A summons required by Rule 4 is served on a defendant by a plaintiff within 120 days or an action can be dismissed or “provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.”

*F.R.C.P. Rule 4(m)*. In addition, for any act in a civil proceeding required by order or rule “to be done at or within a specified time”:

The court for cause shown may at any time in its discretion...upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect;

*F.R.C.P. Rule 6(B)(2)*

### **C. Petition for Review of an Award by the National Railroad Adjustment Board<sup>1</sup>.**

Pursuant to provisions of the Railway Labor Act, Awards governing minor disputes between employees and rail carriers are granted by the National Railroad Adjustment Board (“NRAB”) or a Special Board of Adjustment (“SBA”). Awards, which are not complied with by a carrier, can be enforced in District Courts of the United States by a petition setting forth claims for relief. “Such suit in the District Court of the United States shall proceed in all respects as other civil suits...” *U.S.C. 45 s. 153 First (p)*. However, if an employee does not seek to enforce an award but “is aggrieved by any of the terms of an award or by the failure of the division to include certain terms in such award”:

then such employee or group of employees or carrier may file in any United States district court in which a petition under paragraph (p) could be filed, a petition for review of the Division’s order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Adjustment Board. The Adjustment Board shall file in the court, the record of the proceedings on which it based its action. *45 U.S.C. s. 153 First (q)*

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<sup>1</sup> The National Railroad Adjustment Board (“NRAB”) is an agency of the United States organized pursuant to the provisions of the Railway Labor Act to hear ‘minor disputes’ as defined by the Act. The petition in the instant case involves a petition for review of a minor dispute. A ‘Special Board of Adjustment’, such as the Special Board of Adjustment 928, which is the respondent in the instant case, can also decide minor disputes in lieu of the NRAB. Awards by Special Boards of Adjustment are “enforcible by proceedings in the United States district courts in the same manner and subject to the same provisions that apply to proceedings for enforcement of compliance with awards of the Adjustment Board.” *45 U.S.C. s.153 Second*



#### IV. CAUSE

Petitioner hereby states that ample cause can be shown governing the circumstances of failure to serve the summons in this case, which will permit this Honorable Court to enlarge the time required for service of a summons even at this late date, and petitioner prays for understanding by this Honorable Court and for an order permitting such late service. Simply stated, petitioner simply and reasonably misinterpreted the language of the Railway Labor Act at *U.S.C. 45 s. 153 First (q)*.

When the petitioner filed the petition, on January 31, 2005, petitioner explained to the clerk on duty that he understood that once filing the case, the clerk would be acting on it. The clerk stated that he would find out, but nothing more was said about service of a summons. Instead, the clerk handed the petitioner three copies of an incomplete summons. Petitioner then asked the clerk if the petitioner was required to pay a filing fee for a petition for judicial review the same as if petitioner were filing a complaint. The petitioner then paid the filing fee.

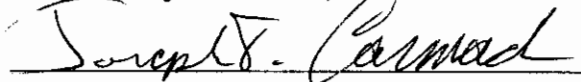
Plaintiff honestly believed that he had completed a proper filing of the petition and was expecting the clerk to transmit a copy of the petition to SBA-928. The Railway Labor Act doesn't clearly indicate that Petition for review is processed as though it were a complaint. The F.R.C.P. does not specify a difference or indicate that petitioner and respondent are situated as though plaintiff and defendant. Within a few weeks of filing the case, the petitioner noticed that the summons was included as a separate item on the docket and the petitioner assumed reference to the summons indicated that the clerk had transmitted a completed summons to the respondent.

In March of 2006, when the clerk informed the petitioner that the Court would require a summons before proceeding with the case, the petitioner assumed that he would have to pay a filing fee. However, the petitioner needed to complete the payment schedule for outstanding medical bills before he could pay a filing fee. In addition, the petitioner has been concurrently proceeding with very active motion dockets in the two cases related to the petition, cases 03-12488 and 05-11430. Given such an active schedule, while petitioner is working two jobs up to 70 hours per week, to keep up with medical bills and the costs of processing these cases, petitioner has adequately demonstrated an excusable neglect.

WHEREFORE, petitioner hereby prays that this honorable Court will fashion an order for sufficient enlargement of time to service summons and petition on respondent at this late date including, if necessary, an order requiring the petitioner to re-file the case and pay the current filing fee. Plaintiff hereby shows good cause why the case should be re-opened.

Date: APRIL 10, 2007

Respectfully submitted,



Joseph T. Carmack

Plaintiff, Pro Se

398 Columbus Ave PMB 130

Boston, MA 02116-6008

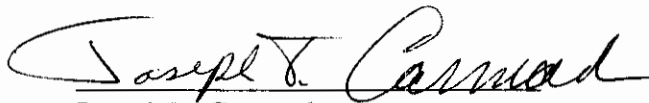
Work: 617/727-2310 ext. 7045



### Certificate of Service

I, Joseph T. Carmack hereby certify that I have on April 10, 2007 served a true copy of the foregoing document by First Class U.S. Mail to Mary Johnson, General Counsel for the National Mediation Board at 1301 K. Street N.W. Suite 250 East, Washington, DC 20572.

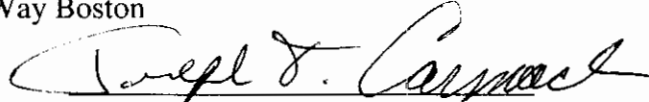
Date: April 10, 2007



Joseph T. Carmack  
Plaintiff, Pro Se  
398 Columbus Ave PMB 130  
Boston, MA 02116-6008  
Work: 617/727-2310 ext. 7045

I, Joseph T. Carmack hereby certify that I have on April 10, 2007 served a true copy of the foregoing document by First Class U.S. Mail to the United States Attorney for Massachusetts at One Courthouse Way Boston

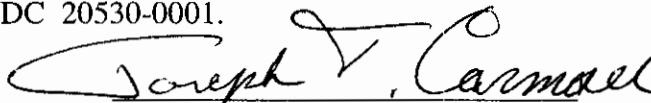
Date: April 10, 2007



Joseph T. Carmack  
Plaintiff, Pro Se  
398 Columbus Ave PMB 130  
Boston, MA 02116-6008  
Work: 617/727-2310 ext. 7045

I, Joseph T. Carmack hereby certify that I have on April 10, 2007 served a true copy of the foregoing document by First Class U.S. Mail to the United States Attorney General at the Office of the Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20530-0001.

Date: April 10, 2007



Joseph T. Carmack  
Plaintiff, Pro Se  
398 Columbus Ave PMB 130  
Boston, MA 02116-6008  
Work: 617/727-2310 ext. 7045

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

Joseph T. Carmack

Petitioner, Pro Se

Civil Action No. 05-10185-PBS

National Mediation Board

Special Board of Adjustment No. 928

Respondent

**Exhibit 1.**

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

_____	)	
Joseph T. Carmack	)	
	)	
Petitioner, Pro Se	)	Civil Action No. 05-10185-PBS
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	)	
National Mediation Board	)	
Special Board of Adjustment No. 928	)	
	)	
Respondent	)	
	)	
_____	)	

**DECLARATION OF JOSEPH T. CARMACK, PETITIONER**

I, Joseph T. Carmack, hereby declare under penalty of perjury that:

1. I am the petitioner in the above captioned case.
2. When I filed for petition for review in the above captioned case, I believed that, after submitting the petition requesting judicial review, the clerk would 'forthwith' transmit the petition to the Special Board of Adjustment No. 928 ("SBA-928") and that SBA-928 would then file the record of the proceedings on which it based its action in its award No. 382. I stated to the clerk that I didn't know if this type of filing required a filing fee, but that I wanted to pay the fee in any case. I told the clerk that it was my understanding that once I filed the petition, the clerk would be requisitioning the case directly from the National Mediation Board. The clerk then said that he would find out.
3. A few weeks after filing the petition in the above captioned case, I was in the copy and document review room near the office of the clerk. I was able to view a copy of

the docket which showed a summons had been issued. I assumed that meant that the clerk had transmitted the case to SBA-928.

4. In March 2006, I called by telephone to the clerk's office of this Honorable Court to ask if the above captioned case file had been received from the National Mediation Board. The clerk on the phone informed me that the clerk requires a copy of the summons from the petitioner first.

5. Also, in March 2006, I conferred by telephone with a representative in the Legal Office for the National Mediation Board to discuss summons and proper address for the National Mediation Board ("NMB"). The representative informed me that the NMB would require an order from the court and would expect the case to be re-filed in order for the NMB to respond to the summons.

6. In March 2006, I entered into a payment plan with my physician to pay for an extended bill that had accrued for ongoing medical treatment.

7. After I spoke to the representative of the Legal office for the NMB, I assumed I would need enough money to pay a new filing fee if I were to re-file the petition.

8. During the fall of 2006, I lost use of my personal computer and printer for document preparation. Since that time, I have to use commercial word processing and printer services at an increased hourly cost to prepare presentable documents and correspondence for this Honorable Court and parties.

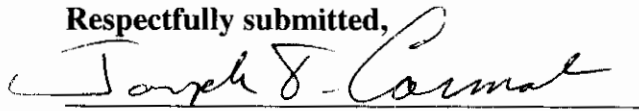
9. On or about March 15, 2007, I contacted a representative of the Legal Office of the National Mediation Board to again discuss the records of the case for Award 382 by SBA-928. Amber Holmes of the NMB reiterated that the record of the proceedings for award No. 382 were in order and the record of the case could be filed with this

Honorable Court should this Honorable Court enter an order reissuing the summons the same as if a timely summons had been served.

10. I have filed this petition and the complaints relative to other related cases in this Honorable Court because I believe that the application of various state and federal laws will reinstate me in my former position as Locomotive Engineer in Massachusetts Commuter Rail and allow me to continue my union activities. I believe that the cases I have filed provide the only means of remedy that I believe I am due. It is necessary that I work in two jobs for up to 70 hours per week to maintain the costs of processing the cases while, at the same time, financing ongoing medical treatment.

Date: APRIL 9, 2007

**Respectfully submitted,**



Joseph T. Carmack  
Plaintiff, Pro Se  
398 Columbus Ave PMB 130  
Boston, MA 02116-6008  
Work: 617/727-2310 ext. 7045

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

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Joseph T. Carmack

Petitioner, Pro Se

National Mediation Board

Special Board of Adjustment No. 928

Respondent

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) Civil Action No. 05-10185-PBS  
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**Exhibit 2.**



UNITED STATES DISTRICT COURT

District of \_\_\_\_\_

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

05 CV 10185 PBS

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

DATE

JAN 31 2005

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

NAME OF SERVER (PRINT)

TITLE

*Check one box below to indicate appropriate method of service*☐ Served personally upon the defendant. Place where served:☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

\$0.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

10/10/05 10:10:10 AM

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UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

_____	)	
Joseph T. Carmack	)	
	)	
Petitioner, Pro Se	)	Civil Action No. 05-10185-PBS
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National Mediation Board	)	
Special Board of Adjustment No. 928	)	
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Respondent	)	
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_____	)	

**Exhibit 3.**

CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-10185-PBS**

Carmack v. National Mediation Board Special Board of  
Adjustment No. 928  
Assigned to: Judge Patti B. Saris  
Related Case: 1:05-cv-11430-PBS  
Cause: 45:151 Railway Labor Act

Date Filed: 01/31/2005  
Jury Demand: None  
Nature of Suit: 740 Labor: Railway Labor  
Act  
Jurisdiction: Federal Question

**Petitioner**

**Joseph T. Carmack**

represented by **Joseph T. Carmack**  
398 Columbus Ave  
PMB 130  
Boston, MA 02116-6008  
617-536-0772  
PRO SE

V.

**Respondent**

**National Mediation Board Special Board  
of Adjustment No. 928**

Date Filed	#	Docket Text
01/31/2005	<u>1</u>	Petition for Review Under Section 3 (First) of Railway Labor Act against National Mediation Board Special Board of Adjustment No. 928 Filing fee: \$ 150, receipt number 61724, filed by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Errata E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Errata M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P# <u>17</u> Exhibit Q# <u>18</u> Exhibit R)(Patch, Christine) Additional attachment(s) added on 2/1/2005 (Patch, Christine). (Entered: 02/01/2005)
01/31/2005		Summons Issued as to National Mediation Board Special Board of Adjustment No. 928. (Patch, Christine) (Entered: 02/01/2005)
01/31/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Patch, Christine) (Entered: 02/01/2005)
03/12/2007	<u>2</u>	Judge Patti B. Saris : ORDER entered. ORDER DISMISSING CASE(Patch, Christine) (Entered: 03/13/2007)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
04/09/2007 09:26:41			
<b>PACER Login:</b>	jc3109	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:05-cv-10185-PBS
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.08



UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

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Joseph T. Carmack

Petitioner, Pro Se

National Mediation Board  
Special Board of Adjustment No. 928

Respondent

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**Exhibit 4.**

CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:03-cv-12488-PBS**

Carmack v. National Railroad Passenger Corporation  
Assigned to: Judge Patti B. Saris  
Related Case: 1:05-cv-11430-PBS  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 12/02/2003  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Joseph T. Carmack**

represented by **Joseph T. Carmack**  
398 Columbus Ave.-PMB 130  
Boston, MA 02116-6008  
PRO SE

V.

**Defendant**

**National Railroad Passenger  
Corporation**

represented by **John A. Kiernan**  
Bonner, Kiernan, Trebach & Crociata  
One Liberty Square  
Boston, MA 02109  
617-426-3900  
Fax: 617-426-0380  
Email: jkiernan@bktc.net  
*ATTORNEY TO BE NOTICED*

**Stephen E. Hughes**  
Bonner, Kiernan, Trebach & Crociata  
One Liberty Square  
Boston, MA 02109  
617-426-3900  
Fax: 617-426-0380  
Email: shughes@bktc.net  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**Anne Gurian, MD**

represented by **Heidi M. Oh**  
Hamrock & Tocci  
101 Main Street, 18th Floor  
Cambridge, MA 02142  
617-496-5370  
Fax: 617-496-1707  
Email: hoh@htclaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mediator**

**Mag. Judge Joyce London Alexander**  
*TERMINATED: 02/07/2005*

**Objector**

**Massachusetts Bay Commuter Railroad  
 Company**

represented by **Bruce A. Singal**  
 Donoghue, Barrett & Singal, PC  
 One Beacon Street  
 Boston, MA 02108-3113  
 617-720-5090  
 Fax: 617-720-5092  
 Email: bsingal@dbslawfirm.com  
*TERMINATED: 11/17/2005*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Robert K. Blaisdell**  
 Donoghue, Barrett & Singal, PC  
 One Beacon Street  
 Boston, MA 02108-3113  
 617-598-6700  
 Fax: 617-722-0276  
 Email: RBlaisdell@dbslawfirm.com  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/22/2007		Judge Patti B. Saris : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>132</u> Report and Recommendations,, <u>99</u> Motion for Summary Judgment filed by National Railroad Passenger Corporation, Action on motion: granting. "After review of the objections, I adopt the report and recommendation of the Magistrate Judge and order entry of judgment in favor of the defendant." (Patch, Christine) (Entered: 03/22/2007)
03/19/2007	<u>138</u>	REPLY TO OBJECTION to <u>132</u> Report and Recommendations filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 03/19/2007)
03/14/2007	<u>137</u>	AMENDED DOCUMENT by Joseph T. Carmack. Amendment to <u>136</u> Memorandum in Support of Objection to Report and Recommendation. (Patch, Christine) (Entered: 03/15/2007)
03/08/2007	<u>136</u>	MEMORANDUM by Joseph T. Carmack in Support of <u>133</u> Objection to Report and Recommendations. (Patch, Christine) (Entered: 03/15/2007)
03/05/2007		Judge Patti B. Saris : Electronic ORDER entered granting <u>134</u> Motion for Extension of Time to File Memorandum for Objection to <u>132</u> REPORT AND RECOMMENDATIONS re <u>110</u> Opposition to Motion filed by Joseph T. Carmack,, <u>99</u> MOTION for Summary Judgment filed by National Railroad Passenger Corporation. Responses due by 3/8/2007. "No further extensions will be granted." (Patch, Christine) (Entered: 03/06/2007)
02/23/2007	<u>135</u>	Opposition re <u>134</u> MOTION for Extension of Time to 3/8/07 to File Response/Reply as to <u>133</u> Objection to Report and Recommendations filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 02/23/2007)

		02/23/2007)
02/20/2007	134	MOTION for Extension of Time to 3/8/07 to File Memorandum to <u>133</u> Objection to Report and Recommendations by Joseph T. Carmack.(Patch, Christine) (Entered: 02/22/2007)
02/16/2007	<u>133</u>	OBJECTION to <u>132</u> Report and Recommendations filed by Joseph T. Carmack. (Patch, Christine) (Entered: 02/22/2007)
02/05/2007		Case no longer referred to Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 02/05/2007)
02/05/2007	<u>132</u>	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re <u>99</u> Defendant's MOTION for Summary Judgment, and <u>110</u> Plaintiff's CROSS-MOTION for Summary Judgment. Recommendation: that Defendant's Motion be allowed and Plaintiff's Cross-Motion denied. Objections to R&R due by 2/19/2007.(Dambrosio, Jolyne) (Entered: 02/05/2007)
09/01/2006		Judge Judith G. Dein : Electronic ORDER entered denying <u>125</u> Defendant's Motion to Strike Plaintiff's Declaration as this court finds no prejudice to the defendant by the late filing. (Dambrosio, Jolyne) (Entered: 09/01/2006)
03/01/2006	<u>131</u>	Opposition re <u>125</u> MOTION to Strike <i>Plaintiff's Declaration</i> filed by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 4# <u>4</u> Exhibit 5# <u>5</u> Exhibit 6) Please note: Exhibit 3 is filed under seal as well. (Patch, Christine) (Entered: 03/08/2006)
02/21/2006	130	List of Abbreviations by Joseph T. Carmack re <u>110</u> Opposition to Motion for Summary Judgment and Statement of Material Facts (Patch, Christine) (Entered: 03/02/2006)
02/21/2006	127	Corrected STATEMENT of facts in Support of Opposition to <u>99</u> MOTION for Summary Judgment, filed under seal. (Patch, Christine) (Entered: 02/28/2006)
02/17/2006		Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 2/17/2006 re <u>99</u> MOTION for Summary Judgment filed by National Railroad Passenger Corporation,. USMJ Dein hears arguments from Attorney Hughes and Pro Se Carmack and takes matter under advisement. (Court Reporter DR.) (Quinn, Thomas) Modified on 9/19/2006 (Quinn, Thomas). (Entered: 02/21/2006)
02/17/2006		Notice of correction to docket made by Court staff. Correction: Document No. 124 terminated because it was filed using the incorrect event. Please refer to Document No. 126 for corrected filing. (Patch, Christine) (Entered: 02/17/2006)
02/17/2006		Documents terminated: <u>124</u> Response filed by National Railroad Passenger Corporation,. (Patch, Christine) (Entered: 02/17/2006)
02/16/2006	<u>129</u>	EXHIBIT P re <u>110</u> Opposition to Motion for Summary Judgment by Joseph T. Carmack, filed under seal. (Patch, Christine) Modified on 3/2/2006 (Patch, Christine). (Entered: 03/02/2006)
02/16/2006	<u>128</u>	EXHIBIT 27 re <u>110</u> Opposition to Motion for Summary Judgment by Joseph T. Carmack. (Patch, Christine) (Entered: 03/02/2006)
02/16/2006	126	REPLY to Response to Motion re <u>99</u> MOTION for Summary Judgment filed by



		National Railroad Passenger Corporation. Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 02/17/2006)
02/16/2006	<u>125</u>	MOTION to Strike <i>Plaintiff's Declaration</i> by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 02/16/2006)
02/16/2006	<u>124</u>	Response by National Railroad Passenger Corporation to <u>110</u> Opposition to Motion <i>For Summary Judgment</i> . (Hughes, Stephen) (Entered: 02/16/2006)
02/14/2006	<u>121</u>	Objection to <u>113</u> Statement of facts by National Railroad Passenger Corporation. (Attachments: # <u>1</u> # <u>2</u> Exhibit)(Hughes, Stephen) (Entered: 02/14/2006)
02/09/2006	<u>123</u>	Corrected STATEMENT of facts re <u>99</u> MOTION for Summary Judgment. (Patch, Christine) (Entered: 02/15/2006)
02/09/2006	<u>122</u>	NOTICE of filing of corrected exhibits by National Railroad Passenger Corporation re <u>102</u> Exhibit (Patch, Christine) (Entered: 02/15/2006)
02/06/2006	<u>120</u>	Corrected EXHIBIT No. 30 re <u>102</u> Exhibit List by National Railroad Passenger Corporation. (Patch, Christine) (Entered: 02/09/2006)
02/06/2006	<u>119</u>	Correct EXHIBIT No. 29 re <u>102</u> Exhibit List by National Railroad Passenger Corporation. (Patch, Christine) (Entered: 02/09/2006)
02/06/2006	<u>118</u>	Corrected EXHIBIT No. 22 re <u>102</u> Exhibit List by National Railroad Passenger Corporation. (Attachments: # <u>1</u> Exhibit Part 2 of 2)(Patch, Christine) (Entered: 02/09/2006)
01/31/2006		Electronic NOTICE of Hearing on Motion <u>99</u> Defendant's MOTION for Summary Judgment: Motion Hearing set for 2/17/2006 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 01/31/2006)
01/27/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>116</u> Defendant's Motion for Leave to File Reply. Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted. (Dambrosio, Jolyne) (Entered: 01/27/2006)
01/26/2006	<u>117</u>	EXHIBIT 11 re <u>102</u> Exhibits by National Railroad Passenger Corporation. (Attachments: # <u>1</u> Part 2# <u>2</u> Part 3# <u>3</u> Part 4)(Patch, Christine) (Entered: 01/30/2006)
01/26/2006	<u>116</u>	MOTION for Leave to File <i>Reply to Plaintiff's Opposition to National Railroad Passenger Corporation's Motion for Summary Judgment</i> by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 01/26/2006)
01/26/2006		Judge Judith G. Dein : Electronic ORDER entered granting <u>115</u> Plaintiff's Motion for Leave to File Excess Pages. (Dambrosio, Jolyne) (Entered: 01/26/2006)
01/24/2006		Notice of correction to docket made by Court staff. Correction: Document No. <u>114</u> corrected because: it was scanned incorrectly. Document has been fixed accordingly (Patch, Christine) (Entered: 01/24/2006)
01/24/2006		Notice of correction to docket made by Court staff. Correction: Document No. <u>112</u> corrected because: it wasn't scanned correctly. Document has been fixed. (Patch, Christine) (Entered: 01/24/2006)
01/19/2006	<u>115</u>	MOTION for Leave to File Excess Pages re: Memorandum in Support of

		Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment by Joseph T. Carmack.(Patch, Christine) (Entered: 01/26/2006)
01/17/2006	114	EXHIBITS re 112 Memorandum in Opposition to Motion for Summary Judgment by Joseph T. Carmack. (Patch, Christine) Additional attachment(s) added on 1/24/2006 (Patch, Christine). (Entered: 01/19/2006)
01/17/2006	113	STATEMENT of Material facts in Opposition to 99 MOTION for Summary Judgment, filed under seal. (Patch, Christine) (Entered: 01/19/2006)
01/17/2006	112	MEMORANDUM in Opposition re 99 MOTION for Summary Judgment and Counter Motion for Summary Judgment filed by Joseph T. Carmack. (Patch, Christine) Additional attachment(s) added on 1/24/2006 (Patch, Christine). Modified on 1/24/2006 (Patch, Christine). (Entered: 01/19/2006)
01/03/2006		Judge Judith G. Dein : Electronic ORDER entered regarding 109 Plaintiff's Motion for Continuance to File Memorandum and Statement of Material Facts in Opposition to Defendant's Motion for Summary Judgment Late Pending Order on Motion to Proceed Under a Pseudonym, and 111 Plaintiff's Motion to Seal. The Motion to Proceed under a Pseudonym and Motion to Seal are denied. Plaintiff's Memorandum and Statement of Material Facts are to be filed by 1/17/06. (Dambrosio, Jolyne) (Entered: 01/03/2006)
12/23/2005	111	MOTION to Impound Motion to Proceed Under a Pseudonym by Joseph T. Carmack.(Patch, Christine) (Entered: 12/28/2005)
12/23/2005	110	Opposition re 99 MOTION for Summary Judgment and Counter Motion for Summary Judgment for Plaintiff filed by Joseph T. Carmack. (Patch, Christine) (Entered: 12/28/2005)
12/23/2005	109	MOTION for a Continuance to File Memorandum and Statement of Material Facts in Support of Opposition to Motion for Summary Judgment Late Pending Order on Motion to Proceed Under a Pseudonym by Joseph T. Carmack.(Patch, Christine) (Entered: 12/28/2005)
12/14/2005		Judge Judith G. Dein : Electronic ORDER entered granting 108 Plaintiff's Motion for Extension of Time to 12/23/05 to File Response to 99 Defendant's MOTION for Summary Judgment. (Dambrosio, Jolyne) (Entered: 12/14/2005)
12/09/2005	108	MOTION for Extension of Time to 12/23/05 to File Response as to 99 MOTION for Summary Judgment by Joseph T. Carmack.(Patch, Christine) (Entered: 12/13/2005)
11/30/2005		Judge Judith G. Dein : Electronic ORDER entered granting 103 Defendant's Motion for Leave to Exceed Page Limit, and granting 107 Plaintiff's Motion for Extension of Time to 12/12/05 to File Response to 99 MOTION for Summary Judgment. (Dambrosio, Jolyne) (Entered: 11/30/2005)
11/22/2005	107	MOTION for Extension of Time to 12/12/05 to File Response as to 99 MOTION for Summary Judgment by Joseph T. Carmack. (Attachments: # 1 Exhibit A) (Patch, Christine) (Entered: 11/29/2005)
11/18/2005	106	Table of Legal Authorities by National Railroad Passenger Corporation re 99 MOTION for Summary Judgment (Patch, Christine) (Entered: 11/23/2005)
11/17/2005	105	First NOTICE of Withdrawal of Appearance by Bruce A. Singal (Singal, Bruce)



		(Entered: 11/17/2005)
11/17/2005	<u>104</u>	NOTICE of Appearance by Robert K. Blaisdell on behalf of Massachusetts Bay Commuter Railroad Company (Blaisdell, Robert) (Entered: 11/17/2005)
11/14/2005	<u>103</u>	MOTION for Leave to File Excess Pages <i>for Summary Judgment Memorandum</i> by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 11/14/2005)
11/14/2005	<u>102</u>	EXHIBIT re <u>101</u> Statement of facts, 99 MOTION for Summary Judgment, <u>100</u> Memorandum in Support of Motion <i>List of Exhibits</i> by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 11/14/2005)
11/14/2005	<u>101</u>	STATEMENT of facts re 99 MOTION for Summary Judgment <i>Undisputed Material Facts</i> . (Hughes, Stephen) (Entered: 11/14/2005)
11/14/2005	<u>100</u>	MEMORANDUM in Support re 99 MOTION for Summary Judgment filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 11/14/2005)
11/14/2005	<u>99</u>	MOTION for Summary Judgment by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 11/14/2005)
11/02/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>97</u> Defendant's Motion for Extension of Time to File Dispositive Motions. (Dambrosio, Jolyne) (Entered: 11/02/2005)
11/01/2005	<u>98</u>	AFFIDAVIT in Support re <u>97</u> First MOTION for Extension of Time to 11/14/2005 to File Dispositive Motions filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 11/01/2005)
11/01/2005	<u>97</u>	First MOTION for Extension of Time to 11/14/2005 to File Dispositive Motions by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 11/01/2005)
10/11/2005	<u>96</u>	MEMORANDUM in Support re <u>90</u> MOTION to Compel Discovery and Request for In Camera Review of Alleged Privileged Communications filed by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I)(Patch, Christine) (Entered: 10/13/2005)
10/11/2005		Motions terminated: 76 MOTION for Discovery <i>For Order Authorizing Defendant to Exceed Seven Hour Limit of Fed.R.Civ.P. 30(d)(2) for Deposition of Plaintiff</i> filed by National Railroad Passenger Corporation,. Terminated per electronic order of 8/18/05. (Patch, Christine) (Entered: 10/11/2005)
10/11/2005	<u>95</u>	Judge Judith G. Dein : ORDER entered granting <u>77</u> Defendant's Motion to Compel, and denying <u>83</u> Plaintiff's Motion for Protective Order. (Dambrosio, Jolyne) (Entered: 10/11/2005)
10/11/2005		Judge Judith G. Dein : Electronic ORDER entered denying <u>90</u> Plaintiff's Motion to Compel Disclosure and Discovery from Defendant. Specifically, to the extent that the motion seeks further answers to interrogatories 1-2, 4-5, 9-10, 17-21, and 24, the court has reviewed the answers and found them to be sufficient. The request for a further answer to interrogatory no. 8 is denied as well. No only is the answer as given sufficient, but the request for a supplemental answer. raised in the

		plaintiff's recently filed Memorandum in Support of Motion to Compel Discovery is untimely. To the extent that the motion to compel relates to the production of documents, it is also denied. The plaintiff has not satisfied the court that the defendant has improperly asserted any privileges. Moreover, the Affidavit of Melissa Rogers, Esq. indicates that the privileges were properly asserted. No in camera review of the documents is necessary. The plaintiff has not established that the crime-fraud exception to the attorney-client privilege is applicable to the instant case.(Dambrosio, Jolyne) (Entered: 10/11/2005)
10/11/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>85</u> Plaintiff's Motion to Compel re Cross-Examination of Michael J. O'Bryan. The total additional time the plaintiff shall be allowed shall not exceed two (2) hours, and the total additional time the defendant shall be allowed shall not exceed two (2) hours. The taking of Mr. O'Bryan's deposition shall not be grounds for extending any other deadlines, including the filing of motions for summary judgment. The parties shall work together to complete the deposition as soon as possible, but in no event later than 11/10/05. (Dambrosio, Jolyne) (Entered: 10/11/2005)
10/11/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>94</u> Plaintiff's Motion for Leave to File Memorandum Subsequent to Filing Motion. (Dambrosio, Jolyne) (Entered: 10/11/2005)
09/28/2005		Judge Judith G. Dein : ElectronicORDER entered granting Defendant's <u>92</u> Motion for Extension of Time, and <u>93</u> Motion to Exceed Page Limitation. (Dambrosio, Jolyne) (Entered: 09/28/2005)
09/27/2005	<u>93</u>	MOTION to Exceed Page Limitation of Local Rule 7.1 (B)(4) in Its Opposition to Plaintiff's Motion to Compel Disclosure and Discovery From Defendant by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 09/27/2005)
09/27/2005	<u>92</u>	MOTION for Extension of Time to 11/7/05 to File <i>Dispositive Motions</i> by National Railroad Passenger Corporation. (Attachments: # <u>1</u> Affidavit Declaration in Support of Motion)(Hughes, Stephen) (Entered: 09/27/2005)
09/27/2005	<u>91</u>	Opposition re <u>90</u> MOTION to Compel <i>Disclosure and Discovery from Defendant Pursuant to Fed.R.Civ.P. 37 and Request for In Camera Review of Alleged Privileged Communications</i> filed by National Railroad Passenger Corporation. (Attachments: # <u>1</u> Exhibit List of Exhibits# <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4# <u>6</u> Exhibit 5# <u>7</u> Exhibit 6)(Hughes, Stephen) (Entered: 09/27/2005)
09/20/2005	<u>94</u>	MOTION for Leave to File Motion Memorandum Subsequent to Filing of Motion by Joseph T. Carmack.(Patch, Christine) (Entered: 09/29/2005)
09/19/2005		Notice of correction to docket made by Court staff. Correction: Document No. 88 terminated because it was filed using the incorrect event. Please refer to Document No. 89 for corrected filing. (Patch, Christine) (Entered: 09/19/2005)
09/19/2005		Documents terminated: <u>88</u> Response filed by National Railroad Passenger Corporation,. (Patch, Christine) (Entered: 09/19/2005)
09/16/2005	<u>90</u>	MOTION to Compel Disclosure and Discovery from Defendant Pursuant to Fed.R.Civ.P.37 and Request for In Camera Review of Alleged Privileged Communications by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Errata C)(Patch, Christine) (Entered: 09/22/2005)



09/16/2005	<u>89</u>	REPLY to Opposition to <u>76</u> MOTION for Discovery <i>For Order Authorizing Defendant to Exceed Seven Hour Limit of Fed.R.Civ.P. 30(d)(2) for Deposition of Plaintiff</i> filed by National Railroad Passenger Corporation. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2) Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 09/19/2005)
09/16/2005	<u>88</u>	Response by National Railroad Passenger Corporation to <u>86</u> Opposition to Motion, <i>to Extend Time Limit on Deposition</i> . (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Hughes, Stephen) (Entered: 09/16/2005)
09/16/2005	<u>87</u>	Opposition re <u>85</u> MOTION to Compel <i>Defendant to Grant Plaintiff Cross-Examination of Witness Michael J. O'Bryan</i> filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 09/16/2005)
09/09/2005	<u>86</u>	Opposition re <u>76</u> MOTION for Discovery <i>For Order Authorizing Defendant to Exceed Seven Hour Limit of Fed.R.Civ.P. 30(d)(2) for Deposition of Plaintiff</i> and Memorandum in Support of <u>85</u> Motion to Compel Defendant to Grant Plaintiff Cross-Examination of Witness Michael J. O'Bryan, filed by Joseph T. Carmack. (Patch, Christine) (Entered: 09/14/2005)
09/09/2005	<u>85</u>	MOTION to Compel Defendant to Grant Plaintiff Cross-Examination of Witness Michael J. O'Brien, by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit A)(Patch, Christine) (Entered: 09/14/2005)
09/09/2005	<u>84</u>	First Opposition re <u>83</u> MOTION for Protective Order <i>Supplement Motion to Compel and Opposition to Plaintiff's Motion For a Protective Order</i> filed by National Railroad Passenger Corporation. (Attachments: # <u>1</u> Appendix Railway Labor Act Regulations)(Hughes, Stephen) (Entered: 09/09/2005)
09/06/2005		Judge Patti B. Saris : Electronic ORDER entered granting <u>81</u> Motion to Compel Privelege Log from Defendant National Railroad Passenger Corporation. (Patch, Christine) (Entered: 09/08/2005)
09/01/2005	<u>80</u>	Judge Judith G. Dein : ORDER entered denying <u>65</u> Plaintiff's Motion to Compel Disclosure and Discovery from Mass. Bay Commuter Railroad Company and the Brotherhood of Locomotive Engineers and Trainmen, and granting in part and denying in part <u>66</u> Plaintiff's Motion to Compel Disclosure and Discovery from Defendant. (Dambrosio, Jolyne) (Entered: 09/01/2005)
08/31/2005	<u>83</u>	MOTION for Protective Order Against Discovery of Trade Secrets and Privileged Communications of the Brotherhood of Locomotive Engineers and Trainmen by Joseph T. Carmack.(Patch, Christine) (Entered: 09/02/2005)
08/31/2005	<u>82</u>	MEMORANDUM in Support re <u>81</u> MOTION to Compel Privelege Log from Defendant and in Opposition to Defendant National Railroad Passenger Corporation's Motion to Compel Disclosure of Plaintiff's Alleged Privileged Communications filed by Joseph T. Carmack. (Patch, Christine) (Entered: 09/02/2005)
08/31/2005	<u>81</u>	MOTION to Compel Privelege Log from Defendant National Railroad Passenger Corporation by Joseph T. Carmack.(Patch, Christine) (Entered: 09/02/2005)
08/25/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>79</u> Assented-To Motion to Continue Hearing. The Motion hearing is rescheduled to 8/31/05 at 11:00 AM. (Dambrosio, Jolyne) (Entered: 08/25/2005)

08/24/2005	<u>79</u>	Assented to MOTION to Continue <i>Hearing</i> by Massachusetts Bay Commuter Railroad Company.(Singal, Bruce) (Entered: 08/24/2005)
08/22/2005		Electronic NOTICE of Hearing on <u>77</u> Defendant's MOTION to Compel Disclosure of Plaintiff's Alleged Privileged Communications: Motion Hearing set for 8/26/2005 10:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) Modified on 8/22/2005 (Dambrosio, Jolyne). (Entered: 08/22/2005)
08/22/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>78</u> Defendant's Motion for Extension of Time. Summary judgment motions shall be filed by 10/17/05; oppositions thereto by 10/31/05. (Dambrosio, Jolyne) (Entered: 08/22/2005)
08/19/2005	<u>78</u>	Second MOTION for Extension of Time to October 17, 2005 to completion of discovery and file dispositive motions by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 08/19/2005)
08/18/2005	<u>77</u>	MOTION to Compel <i>Disclosure of Plaintiff's Alleged Privileged Communications</i> by National Railroad Passenger Corporation. (Attachments: # <u>1</u> )(Hughes, Stephen) (Entered: 08/18/2005)
08/18/2005		Judge Patti B. Saris : Electronic ORDER entered re <u>76</u> Motion for Order Authorizing Defendant National Railroad Passenger Corporation to Exceed Seven Hour Limit of Fed.R.Civ.P.30(d)(2) for Deposition of Plaintiff. "The Court allows 4 additional hours." (Patch, Christine) (Entered: 08/18/2005)
08/17/2005	<u>76</u>	MOTION for Discovery <i>For Order Authorizing Defendant to Exceed Seven Hour Limit of Fed.R.Civ.P. 30(d)(2) for Deposition of Plaintiff</i> by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 08/17/2005)
08/11/2005	<u>75</u>	First Opposition re <u>64</u> MOTION for Leave to File <i>Add Massachusetts Bay Commuter Railroad as a Defendant</i> filed by Massachusetts Bay Commuter Railroad Company. (Singal, Bruce) (Entered: 08/11/2005)
08/10/2005	<u>74</u>	First Opposition re <u>65</u> MOTION to Compel <i>Discovery</i> filed by Massachusetts Bay Commuter Railroad Company. (Singal, Bruce) (Entered: 08/10/2005)
08/08/2005		NOTICE of Hearing on <u>65</u> & <u>66</u> Plaintiff's MOTIONS to Compel: Motion Hearing set for 8/26/2005 10:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 08/08/2005)
08/05/2005	<u>73</u>	NOTICE of Rejection of Filing re: Opposition to MOTion to Compel Discovery and Opposition to Motion for Leave to Add Defendant sent to Robert Blaisdell. (Patch, Christine) (Entered: 08/05/2005)
07/29/2005	<u>72</u>	Opposition re <u>66</u> MOTION to Compel filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 07/29/2005)
07/29/2005	<u>71</u>	Opposition re <u>65</u> MOTION to Compel filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 07/29/2005)
07/25/2005		Judge Patti B. Saris : Electronic ORDER entered denying <u>64</u> Motion for Leave to Add Defendant. (Patch, Christine) (Entered: 07/26/2005)
07/25/2005		Judge Patti B. Saris : Electronic ORDER entered denying <u>63</u> Motion for Leave to



		Add Plaintiff. "Denied as untimely." (Patch, Christine) (Entered: 07/26/2005)
07/25/2005	70	Judge Patti B. Saris: ORDER entered REFERRING 65 Application for Order to Compel Disclosure and Discovery from Massachusetts Bay Commuter Railroad Company and the Brotherhood of Locomotive Engineers and Trainmen, and 66 MOTION to Compel Disclosure and Discovery From Defendant Pursuant to FED.R.CIV.P.37. to Magistrate Judge Judith G. Dein(Alba, Robert) (Entered: 07/25/2005)
07/19/2005		Judge Judith G. Dein: Electronic ORDER entered granting 69 Motion for Leave to File. Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. (Irwin, Nancy) (Entered: 07/19/2005)
07/18/2005	69	MOTION for Leave to Submit Motion Memoranda Subsequent to filing of Motions by Joseph T. Carmack, Filed c/s (Attachments: # 1 Exhibit)(York, Steve) (Entered: 07/18/2005)
07/18/2005	68	MEMORANDUM in Support re 63 MOTION for Leave to Add Plaintiff filed by Joseph T. Carmack, Filed c/s (York, Steve) (Entered: 07/18/2005)
07/18/2005	67	MEMORANDUM in Support re 64 MOTION for Leave to Add Defendant, filed by Joseph T. Carmack, Filed, c/s (York, Steve) (Entered: 07/18/2005)
07/15/2005	66	MOTION to Compel Disclosure and Discovery From Defendant Pursuant to FED.R.CIV.P.37, Filed, c/s by Joseph T. Carmack.(York, Steve) (Entered: 07/18/2005)
07/15/2005	65	Application for Order to Compel Disclosure and Discovery from Massachusetts Bay Commuter Railroad Company and the Brotherhood of Locomotive Engineers and Trainmen. Filed, c/s. by Joseph T. Carmack.(York, Steve) (Entered: 07/18/2005)
07/15/2005	64	MOTION for Leave to Add Defendant by Joseph T. Carmack.(York, Steve) (Entered: 07/18/2005)
07/15/2005	63	MOTION for Leave to Add Plaintiff by Joseph T. Carmack.(York, Steve) (Entered: 07/18/2005)
07/15/2005	62	Judge Judith G. Dein : CONFIDENTIALITY ORDER entered. (Dambrosio, Jolyne) (Entered: 07/15/2005)
07/12/2005		Judge Patti B. Saris : Electronic ORDER entered. ELECTRONIC ENDORSEMENT re 60 Proposal for a Confidentiality Agreement Pursuant to Court Order Dated June 29, 2005 filed by Joseph T. Carmack. "Defendants shall confer with Plaintiff and propose an assented to confidentiality order. If that is not feasible, defendants shall respond to this proposal with their own in 14 days." (Patch, Christine) (Entered: 07/19/2005)
07/12/2005	61	Proposed Document(s) submitted by National Railroad Passenger Corporation. Document received: Amtrak's Proposed Confidentiality Agreement. (Attachments: # 1)(Hughes, Stephen) (Entered: 07/12/2005)
07/08/2005	60	Proposed Document submitted by Joseph T. Carmack. Document received: Proposal for a Confidentiality Agreement Pursuant to Court Order Dated June 29, 2005. (Patch, Christine) (Entered: 07/11/2005)

06/29/2005	59	Judge Judith G. Dein : ORDER entered granting in part and denying in part 31 Defendant's Motion to Compel. and 39 Plaintiff's Motion for Protective Order. (Dambrosio, Jolyne) (Entered: 06/29/2005)
06/09/2005	58	Judge Judith G. Dein : ORDER entered granting in part and denying in part 47 Defendant's Motion to Compel Disclosure and Discovery; granting 48 Defendant's Motion to Extend Scheduling Order; and denying as moot 51 & 56 Plaintiff's Motions to Impound. (Dambrosio, Jolyne) (Entered: 06/09/2005)
06/08/2005		Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 6/8/2005 re 47 MOTION to Compel filed by National Railroad Passenger Corporation,; Pro Se Carmack and Attorney Hughes make arguments on the motion; USMJ Dein makes ruling and will issue order. (Court Reporter D.R.) (Quinn, Thomas) (Entered: 06/08/2005)
05/25/2005		Judge Patti B. Saris: Electronic ORDER entered re 56 MOTION to Impound Doctors' Records Produced Pursuant to Court Order Dated April 15, 2005. "I VACATE MY RULING DATED 5/24/05 AND DEFER TO JUDGE DEIN."(Alba, Robert) (Entered: 05/25/2005)
05/24/2005	57	SEALED DOCUMENT placed in secure file room.. (Patch, Christine) Additional attachment(s) added on 5/24/2005 (Patch, Christine). (Entered: 05/24/2005)
05/24/2005		Judge Patti B. Saris : Electronic ORDER entered granting 56 Motion to Impound Doctors' Records Produced Pursuant to Court Order Dated April 15, 2005. "The motion to impound is allowed. However, I will not conduct an in camera review because I am not familiar enough with the litigation issues. Defendant's counsel may review the documents subject to a protective order that he shall not disclose the documents to anyone (including his client) without getting permission from the Court with and explanation." (Patch, Christine) (Entered: 05/24/2005)
05/18/2005		Electronic NOTICE of Hearing on 47 Defendant's MOTION to Compel Disclosure and Discovery: Motion Hearing set for 6/8/2005 10:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 05/18/2005)
05/17/2005	55	Judge Patti B. Saris: ORDER entered REFERRING 51 MOTION to Impound Communications with Third Parties Related to Medical Condition and Treatment Produced Pursuant to Court Order Dated April 15, 2005 by Joseph T. Carmack to Magistrate Judge Judith G. Dein(Alba, Robert) (Entered: 05/17/2005)
05/13/2005	56	MOTION to Impound Doctors' Records Produced Pursuant to Court Order Dated April 15, 2005; and Plaintiff's Notice to the Court re: Additional Third Party Communications by Joseph T. Carmack.(Patch, Christine) (Entered: 05/19/2005)
05/13/2005	54	MEMORANDUM in Opposition re 52 Memorandum in Support of Privilege of Third Party Communications to Insurer's by Psychiatrist (Attachments: # 1 Cases cited in Defendant's opposition in order of appearance)(Hughes, Stephen) Modified on 5/13/2005 (Patch, Christine). (Entered: 05/13/2005)
05/03/2005	53	Opposition re 47 MOTION to Compel Disclosure and Discovery from Plaintiff filed by Joseph T. Carmack. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H)(Patch, Christine) (Entered: 05/05/2005)



04/29/2005	<u>52</u>	MEMORANDUM in Support by Joseph T. Carmack of Privilege of Third Party Communications to Insurer by Psychiatrist re <u>40</u> Opposition to Motion to Compel the Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment. (Patch, Christine) (Entered: 05/05/2005)
04/29/2005	<u>51</u>	MOTION to Impound Communications with Third Parties Related to Medical Condition and Treatment Produced Pursuant to Court Order Dated April 15, 2005 by Joseph T. Carmack.(Patch, Christine) Additional attachment(s) added on 5/5/2005 (Patch, Christine). (Entered: 05/05/2005)
04/27/2005		E-Mail Notice returned as undeliverable. Name of Addressee: Heidi Oh. Spoke with Attorney Oh on 4/27/05. She changed firms; updated email address. (Patch, Christine) (Entered: 04/27/2005)
04/26/2005	<u>50</u>	Judge Patti B. Saris: ORDER entered REFERRING case to Magistrate Judge Judith G. Dein for Full Pretrial Case Management, not Including Dispositive Motions, Report and Recommendation on any Motions for Summary Judgment, and ruling on <u>48</u> MOTION to Extend Scheduling Order filed by National Railroad Passenger Corporation.(Alba, Robert) (Entered: 04/26/2005)
04/25/2005		E-Mail Notice returned as undeliverable. Name of Addressee: Heidi M. Oh. Attempted to contact Attorney via telephone, but number was unavailable. Mailed letter requesting Attorney Oh contact the Court on 4/25/05. (Patch, Christine) (Entered: 04/25/2005)
04/21/2005	<u>49</u>	Judge Patti B. Saris: ORDER entered REFERRING <u>47</u> MOTION to Compel Disclosure and Discovery by National Railroad Passenger Corporation to Magistrate Judge Judith G. Dein(Alba, Robert) (Entered: 04/21/2005)
04/20/2005	<u>48</u>	MOTION for Extension of Time to Complete Discovery <i>Motion To Extend Scheduling Order</i> by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 04/20/2005)
04/20/2005		Notice of correction to docket made by Court staff. Correction: Document No. 46 terminated corrected because: it was filed using the wrong event. Please see Document No. 47 for corrected filing. (Patch, Christine) (Entered: 04/20/2005)
04/20/2005		Motions terminated: 46 MOTION for Discovery filed by National Railroad Passenger Corporation,. (Patch, Christine) (Entered: 04/20/2005)
04/19/2005	<u>47</u>	MOTION to Compel Disclosure and Discovery by National Railroad Passenger Corporation. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> ). Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 04/20/2005)
04/19/2005	<u>46</u>	MOTION for Discovery by National Railroad Passenger Corporation. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> )(Hughes, Stephen) (Entered: 04/19/2005)
04/15/2005	<u>45</u>	Judge Judith G. Dein : ORDER entered regarding <u>31</u> Defendant's MOTION to Compel Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment.(Dambrosio, Jolyne) (Entered: 04/15/2005)
04/06/2005		Judge Patti B. Saris : Electronic ORDER entered granting <u>43</u> Motion for a Waiver of Requirement for Electronic Case Filing (Patch, Christine) (Entered: 04/13/2005)

04/01/2005		NOTICE of Hearing on Motion 31 Defendant's First MOTION to Compel Disclosure of Information and Medical Records, and 39 Plaintiff's MOTION for Protective Order: Motion Hearing set for 4/14/2005 03:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 04/01/2005)
03/31/2005		Judge Patti B. Saris : Electronic ORDER entered re 39 Motion for Protective Order Limiting the Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment and all Medical Records. "The parties shall negotiate a protective order to protect the confidentiality of medical information." (Patch, Christine) (Entered: 04/06/2005)
03/31/2005	44	EXHIBITS re 39 MOTION for Protective Order by Joseph T. Carmack, filed under seal. (Patch, Christine) (Entered: 04/06/2005)
03/31/2005		Judge Patti B. Saris : Electronic ORDER entered granting 42 Motion to Impound Exhibits from Plaintiff's Motion for a Protective Order (Patch, Christine) (Entered: 04/06/2005)
03/31/2005	43	MOTION for a Waiver of Requirement for Electronic Case Filing by Joseph T. Carmack.(Patch, Christine) (Entered: 04/05/2005)
03/29/2005		Documents terminated: 36 Order Referring Motion,. (Patch, Christine) (Entered: 03/29/2005)
03/28/2005	38	Judge Patti B. Saris : ORDER entered. REFERRING MOTION 31 First MOTION to Compel <i>Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment</i> filed by National Railroad Passenger Corporation, to Magistrate Judge Judith G. Dein. NOTE: This Order supersedes Order of Reference #36 inadvertently issued to Magistrate Judge Alexander(Alba, Robert) (Entered: 03/28/2005)
03/28/2005	37	NOTICE OF RESCHEDULED MOTION HEARING/PRETRIAL CONFERENCE. The Summary Judgment Motion Hearing/Pretrial Conference previously scheduled for April 14, 2005, has been rescheduled to May 6, 2005, at 3:00 p.m. in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert) (Entered: 03/28/2005)
03/25/2005	42	MOTION to Impound Exhibits from Plaintiff's Motion for a Protective Order by Joseph T. Carmack.(Patch, Christine) (Entered: 03/29/2005)
03/25/2005	36	Judge Patti B. Saris: ORDER entered REFERRING 31 First MOTION to Compel <i>Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment</i> filed by National Railroad Passenger Corporation, to Magistrate Judge Joyce London Alexander(Alba, Robert) (Entered: 03/25/2005)
03/23/2005	41	AFFIDAVIT of Joseph T. Carmack in Support re 39 MOTION for Protective Order filed by Joseph T. Carmack. (Patch, Christine) (Entered: 03/29/2005)
03/23/2005	40	MEMORANDUM in Support re 39 MOTION for Protective Order and Opposition to Defendant's Motion to Compel the Disclosure of Information and Medical Records Pertinent to Plaintiff's Mental Health and Psychiatric Treatment filed by Joseph T. Carmack. (Patch, Christine) (Entered: 03/29/2005)
03/23/2005	39	MOTION for Protective Order Limiting Disclosure of Information and Medical



		Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment and All Medical Records by Joseph T. Carmack.(Patch, Christine) (Entered: 03/29/2005)
03/16/2005	<u>35</u>	RESPONSE to Motion re 31 First MOTION to Compel <i>Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment</i> filed by Anne Gurian, MD. (Patch, Christine) (Entered: 03/24/2005)
03/16/2005	<u>34</u>	NOTICE of Appearance by Heidi M. Oh on behalf of Anne Gurian, MD (Patch, Christine) (Entered: 03/24/2005)
03/09/2005	<u>33</u>	MEMORANDUM in Support re 31 First MOTION to Compel <i>Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment</i> filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 03/09/2005)
03/09/2005	<u>32</u>	AFFIDAVIT in Support re 31 First MOTION to Compel <i>Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment</i> filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 03/09/2005)
03/09/2005	<u>31</u>	First MOTION to Compel <i>Disclosure of Information and Medical Records Pertaining to Plaintiff's Mental Health and Psychiatric Treatment</i> by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 03/09/2005)
03/01/2005		Judge Patti B. Saris : Electronic ORDER entered denying <u>30</u> Motion for Status Conference. Defendant shall file a motion to compel within one week. Plaintiff has 14 days to respond. The Court will dismiss the action unless Plaintiff complies in good faith with discovery obligations. All medical records shall be produced but shall be subject to a protective order. The Court will address the discernability of psychiatric records after it receives the briefs." (Patch, Christine) (Entered: 03/02/2005)
02/25/2005	<u>30</u>	Joint MOTION for Discovery <i>Status Conference</i> by National Railroad Passenger Corporation. (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibit 2# <u>3</u> Exhibit Exhibit 3# <u>4</u> Exhibit Exhibit 4)(Hughes, Stephen) (Entered: 02/25/2005)
02/07/2005	<u>29</u>	REPORT of Alternative Dispute Resolution Provider. The parties have not settled. (Brown, Rex) (Entered: 02/07/2005)
02/07/2005		Clerk's Notes for proceedings held before Judge Joyce London Alexander : Hearing re MEDIATION held on 2/7/2005. Report to issue. (Tape #Digital Recording.) (Brown, Rex) (Entered: 02/07/2005)
02/02/2005		Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 2/2/2005 re <u>23</u> MOTION to Quash filed by Joseph T. Carmack,.; Attorney Hughes and Pro Se Carmack make arguments on the motion and USMJ Dein denied motion. (Court Reporter D.R.) (Quinn, Thomas) (Entered: 02/03/2005)
02/02/2005		Judge Judith G. Dein : Electronic ORDER entered regarding <u>23</u> Motion to Quash. After hearing, the motion is denied without prejudice. (Dambrosio, Jolyne) (Entered: 02/02/2005)
01/20/2005	<u>28</u>	<i>Answer of Def, National Railroad Passenger Corp. in Response to Pl's Second Amended Complaint</i> ANSWER to Amended Complaint by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 01/20/2005)

01/20/2005		Notice of correction to docket made by Court staff. Correction: Document No. 28 deleted because: it was incorrectly filed in the wrong case (Patch, Christine) (Entered: 01/20/2005)
01/18/2005		ELECTRONIC NOTICE of Rescheduling Hearing on Motion: Hearing on <u>23</u> MOTION to Quash reset for 2/2/2005 03:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 01/18/2005)
01/13/2005		Documents terminated from Court's Statistical report: <u>11</u> Assented to MOTION for Extension of Time to 6/18/04 to Answer First Amended Complaint filed by National Railroad Passenger Corporation,. (Alba, Robert) (Entered: 01/13/2005)
01/12/2005		Electronic NOTICE of Hearing on <u>23</u> Plaintiff's MOTION to Quash Subpoena: Motion Hearing set for 1/24/2005 03:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 01/12/2005)
01/10/2005	<u>27</u>	Judge Patti B. Saris: ORDER entered REFERRING <u>23</u> MOTION to Quash Subpoena to The Group Insurance Commission for the Production of Documents filed by Joseph T. Carmack, to Magistrate Judge Joyce London Alexander(Alba, Robert) Additional attachment(s) added on 1/10/2005 (Alba, Robert). Modified on 1/10/2005 (Alba, Robert). (Entered: 01/10/2005)
01/06/2005	<u>25</u>	NOTICE of ADR Conference Alternative Dispute Resolution Hearing set for 2/7/2005 10:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander.(Brown, Rex) (Entered: 01/06/2005)
01/05/2005	<u>24</u>	Opposition re <u>23</u> MOTION to Quash <i>Plaintiff's Motion to Quash Subpoena To The Group Insurance Commission</i> filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 01/05/2005)
01/03/2005	<u>26</u>	SECOND AMENDED COMPLAINT against National Railroad Passenger Corporation, filed by Joseph T. Carmack. (Attachments: # <u>1</u> Part 2 of 3# <u>2</u> Part 3 of 3)(Patch, Christine) Modified on 1/20/2005 (Patch, Christine). (Entered: 01/10/2005)
01/03/2005		Judge Patti B. Saris : ElectronicORDER entered granting <u>21</u> Motion to Amend Complaint. (Patch, Christine) (Entered: 01/10/2005)
12/29/2004		ELECTRONIC Notice of assignment to ADR Provider. Mag. Judge Joyce London Alexander appointed as mediator. The court will contact counsel about scheduling mediation.(Nee, Amy) (Entered: 12/29/2004)
12/23/2004	<u>23</u>	MOTION to Quash Subpoena to The Group Insurance Commission for the Production of Documents by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G) (Patch, Christine) (Entered: 12/30/2004)
12/09/2004	<u>22</u>	Initial disclosures by Joseph T. Carmack.(Patch, Christine) (Entered: 12/15/2004)
12/09/2004	<u>21</u>	MOTION to Amend Complaint by Joseph T. Carmack. (Attachments: # <u>1</u> Amended Complaint (Part 1 of 3)# <u>2</u> Amended Complaint (Part 2 of 3)# <u>3</u> Amended Complaint (Part 3 of 3))(Patch, Christine) (Entered: 12/15/2004)
12/09/2004	<u>20</u>	Document disclosure by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 12/09/2004)



11/09/2004	<u>19</u>	Judge Patti B. Saris : ORDER entered SCHEDULING ORDER: All documents to be exchanged by 12/9/04. Plaintiff to amend complaint to assert most important issue by 12/9/04. Fact Discovery due by 2/28/2005. Summary Judgment Motion due by 3/15/2005; opposition due by 3/30/05. Hearing on Summary Judgment or Pretrial Conference set for 4/14/2005 02:00 PM in Courtroom 19 before Judge Patti B. Saris. Case to be referred to Mediation program: January, 2005. (Patch, Christine) (Entered: 11/10/2004)
11/09/2004	<u>18</u>	Judge Patti B. Saris : ORDER entered REFERRING CASE to Alternative Dispute Resolution for Mediation: January, 2005.(Patch, Christine) (Entered: 11/10/2004)
11/09/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge Patti B. Saris: Scheduling Conference held on 11/9/2004. Court sets discovery and motion filing schedule. Court refers parties to mediation. Summary Judgment Motion Hearing/Pretrial Conference set for 4/14/2005 at 2:00 PM in Courtroom 19 before Judge Patti B. Saris. (Court Reporter Marie Cloonan.) (Alba, Robert) (Entered: 11/09/2004)
11/09/2004	<u>17</u>	CERTIFICATE OF CONSULTATION re <u>14</u> JOINT STATEMENT re scheduling conference by Stephen E. Hughes on behalf of National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 11/09/2004)
11/02/2004	<u>16</u>	NOTICE of Order of Settlement by Joseph T. Carmack (Patch, Christine) (Entered: 11/08/2004)
11/02/2004	<u>15</u>	Partial Initial disclosures by Joseph T. Carmack.(Patch, Christine) (Entered: 11/08/2004)
11/02/2004	<u>14</u>	JOINT STATEMENT re scheduling conference. (Hughes, Stephen) (Entered: 11/02/2004)
09/15/2004	<u>13</u>	NOTICE of Scheduling Conference Scheduling Conference set for 11/9/2004 03:15 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 09/17/2004)
06/18/2004	<u>12</u>	ANSWER to Amended Complaint by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 06/18/2004)
05/24/2004	<u>11</u>	Assented to MOTION for Extension of Time to 6/18/04 to Answer First Amended Complaint by National Railroad Passenger Corporation.(Hughes, Stephen) (Entered: 05/24/2004)
05/14/2004	<u>10</u>	First AMENDED COMPLAINT against National Railroad Passenger Corporation , filed by Joseph T. Carmack. (Attachments: # <u>1</u> Pages 21-40)(Patch, Christine) (Entered: 05/18/2004)
05/14/2004		Judge Patti B. Saris : Electronic ORDER entered granting <u>8</u> Motion to Amend Complaint. (Patch, Christine) (Entered: 05/18/2004)
05/13/2004	<u>9</u>	Opposition re <u>8</u> MOTION to Amend <i>Complaint</i> filed by National Railroad Passenger Corporation. (Hughes, Stephen) (Entered: 05/13/2004)
05/03/2004	<u>8</u>	MOTION to Amend Complaint by Joseph T. Carmack. (Attachments: # <u>1</u> First Amended Complaint, Part 1# <u>2</u> First Amended Complaint, Part 2)(Patch, Christine) (Entered: 05/06/2004)

04/16/2004	<u>7</u>	NOTICE of Appearance by John A. Kiernan on behalf of National Railroad Passenger Corporation (Kiernan, John) (Entered: 04/16/2004)
04/14/2004	<u>6</u>	NOTICE of Appearance by Stephen E. Hughes on behalf of National Railroad Passenger Corporation (Hughes, Stephen) Additional attachment(s) added on 4/16/2004 (Patch, Christine). (Entered: 04/14/2004)
04/14/2004	<u>5</u>	ANSWER to Complaint with Jury Demand by National Railroad Passenger Corporation.(Hughes, Stephen) Additional attachment(s) added on 4/16/2004 (Patch, Christine). (Entered: 04/14/2004)
03/12/2004	<u>4</u>	WAIVER OF SERVICE Returned Executed Joseph T. Carmack waiver sent on 2/14/2004, answer due 4/14/2004. (Patch, Christine) (Entered: 03/16/2004)
02/09/2004		Summons Issued to pltf for service as to National Railroad Passenger Corporation. (Simeone, Maria) (Entered: 02/09/2004)
01/23/2004	<u>3</u>	NOTICE of filing fee paid by Joseph T. Carmack re 2 Order on Motion for Leave to Proceed in forma pauperis, \$150.00 filing fee paid; receipt #53326 on 1/23/04. (Simeone, Maria) (Entered: 01/26/2004)
01/12/2004	<u>2</u>	Judge Patti B. Saris : ORDER entered denying <u>1</u> Motion for Leave to Proceed in forma pauperis. Plaintiff has sufficient funds to pay the filing fee. He shall pay the \$150.00 filing fee within 35 days of the date of this order or this action will be dismissed without prejudice. (Weissman, Linn) (Entered: 01/15/2004)
12/11/2003		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Jenness, Susan) (Entered: 01/10/2005)
12/11/2003		Case undergoing preliminary screening (Jenness, Susan) (Entered: 12/11/2003)
12/02/2003	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Joseph T. Carmack.(Jenness, Susan) (Entered: 12/11/2003)

PACER Service Center			
Transaction Receipt			
04/09/2007 12:51:24			
PACER Login:	jc3109	Client Code:	
Description:	Docket Report	Search Criteria:	1:03-cv-12488-PBS
Billable Pages:	12	Cost:	0.96

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

_____	)	
Joseph T. Carmack	)	
	)	
Petitioner, Pro Se	)	Civil Action No. 05-10185-PBS
	)	
	)	
National Mediation Board	)	
Special Board of Adjustment No. 928	)	
	)	
Respondent	)	
	)	
_____	)	

**Exhibit 5.**

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-11430-PBS**

Carmack v. Massachusetts Bay Transportation Authority et al  
Assigned to: Judge Patti B. Saris  
Referred to: Magistrate Judge Judith G. Dein  
Related Cases: 1:03-cv-12488-PBS  
1:05-cv-10185-PBS  
Cause: 45:151 Railway Labor Act

Date Filed: 06/30/2005  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Joseph T. Carmack**

represented by **Joseph T. Carmack**  
398 Columbus Avenue  
PMB 130  
Boston, MA 02116-6008  
617-536-0772  
PRO SE

V.

**Defendant**

**Massachusetts Bay Transportation  
Authority**

represented by **Todd M. Valicenti**  
MBTA  
10 Park Plaza, 7th Floor  
Boston, MA 02116  
617-222-4579  
Fax: 617-222-3194  
Email: tvalicenti@MBTA.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Massachusetts Bay Commuter Railway  
Company**

represented by **Robert K. Blaisdell**  
Donoghue, Barrett & Singal, PC  
One Beacon Street  
Boston, MA 02108-3113  
617-598-6700  
Fax: 617-722-0276  
Email: RBlaisdell@dbslawfirm.com  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/05/2007		Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 4/5/2007 re <u>45</u> MOTION to Dismiss <i>the Railway Labor Act Claim Asserted in Plaintiff's First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b) (6)</i> filed by Massachusetts Bay Transportation Authority,, <u>47</u> MOTION to Dismiss <i>Count X of Plaintiff's First Amended Complaint</i> filed by Massachusetts



		Bay Commuter Railway Company., 49 MOTION to Amend 9 Amended Complaint filed by Joseph T. Carmack., USMJ Dein hears arguments from Pro Se Carmack and Attorneys Valicenti and Blaisdale and takes motions under advisement. (Court Reporter DR.) (Quinn, Thomas) (Entered: 04/05/2007)
02/01/2007		Judge Judith G. Dein : Electronic ORDER entered finding as moot <u>56</u> Plaintiff's Motion for Extension of Time to File Second Amended Complaint. (Dambrosio, Jolyne) (Entered: 02/01/2007)
01/30/2007		ELECTRONIC NOTICE of Hearing on Motions: <u>45</u> & <u>47</u> Defendants' MOTIONS to Dismiss, and <u>49</u> Plaintiff's MOTION to Amend Amended Complaint: Motion Hearing set for 4/5/2007 02:00 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 01/30/2007)
01/29/2007	<u>56</u>	MOTION for Extension of Time to 12/18/06 to File Second Amended Complaint by Joseph T. Carmack.(Patch, Christine) (Entered: 01/31/2007)
01/25/2007	<u>55</u>	Opposition re 49 MOTION to Amend 9 Amended Complaint filed by Massachusetts Bay Commuter Railway Company. (Blaisdell, Robert) (Entered: 01/25/2007)
01/25/2007	<u>54</u>	Opposition re 49 MOTION to Amend 9 Amended Complaint filed by Massachusetts Bay Transportation Authority. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Valicenti, Todd) (Entered: 01/25/2007)
01/11/2007		Judge Patti B. Saris: Electronic ORDER entered REFERRING <u>45</u> MOTION to Dismiss <i>the Railway Labor Act Claim Asserted in Plaintiff's First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6)</i> filed by Massachusetts Bay Transportation Authority, and <u>47</u> MOTION to Dismiss <i>Count X of Plaintiff's First Amended Complaint</i> filed by Massachusetts Bay Commuter Railway Company, to Magistrate Judge Judith G. Dein for Report and Recommendation.(Alba, Robert) (Entered: 01/11/2007)
01/04/2007	<u>53</u>	Opposition re <u>45</u> MOTION to Dismiss <i>the Railway Labor Act Claim Asserted in Plaintiff's First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6)</i> filed by Joseph T. Carmack. (Patch, Christine) (Entered: 01/08/2007)
01/03/2007		Judge Judith G. Dein : Electronic ORDER entered granting <u>51</u> & <u>52</u> Defendants' Motions for Extension of Time to 1/25/07 to Oppose Plaintiff's Motion to Amend. (Dambrosio, Jolyne) (Entered: 01/03/2007)
01/02/2007	<u>52</u>	Assented to MOTION for Extension of Time to January 25, 2007 to File an Opposition to Plaintiff's Motion to Amend Plaintiff's First Amended Complaint by Massachusetts Bay Commuter Railway Company.(Blaisdell, Robert) (Entered: 01/02/2007)
12/27/2006	<u>51</u>	Assented to MOTION for Extension of Time to January 25, 2007 to File an Opposition to Plaintiff's Motion to Amend Plaintiff's First Amended Complaint by Massachusetts Bay Transportation Authority.(Valicenti, Todd) (Entered: 12/27/2006)
12/18/2006	<u>50</u>	MEMORANDUM in Support re 49 MOTION to Amend 9 Amended Complaint filed by Joseph T. Carmack. (Patch, Christine) (Entered: 12/18/2006)
12/18/2006	<u>49</u>	MOTION to Amend 9 Amended Complaint by Joseph T. Carmack. (Attachments: # <u>1</u> Second Amended Cmp Part 1 of 2# <u>2</u> Second Amended Cmp Part 2 of 2)

		(Patch, Christine) (Entered: 12/18/2006)
12/15/2006	<u>48</u>	MEMORANDUM in Support re <u>47</u> MOTION to Dismiss <i>Count X of Plaintiff's First Amended Complaint</i> filed by Massachusetts Bay Commuter Railway Company. (Blaisdell, Robert) (Entered: 12/15/2006)
12/15/2006	<u>47</u>	MOTION to Dismiss <i>Count X of Plaintiff's First Amended Complaint</i> by Massachusetts Bay Commuter Railway Company.(Blaisdell, Robert) (Entered: 12/15/2006)
12/15/2006	<u>46</u>	MEMORANDUM in Support re <u>45</u> MOTION to Dismiss <i>the Railway Labor Act Claim Asserted in Plaintiff's First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6)</i> filed by Massachusetts Bay Transportation Authority. (Valicenti, Todd) (Entered: 12/15/2006)
12/15/2006	<u>45</u>	MOTION to Dismiss <i>the Railway Labor Act Claim Asserted in Plaintiff's First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6)</i> by Massachusetts Bay Transportation Authority.(Valicenti, Todd) (Entered: 12/15/2006)
11/15/2006		Judge Judith G. Dein : Electronic ORDER entered. SCHEDULING ORDER: Court adopts the parties' proposed scheduling order. Plaintiff is to file his motion to amend the complaint, and MBCR and MBTA will file motions to dismiss by 12/15/06. Oppositions to these motions shall be filed by 1/4/07. Parties will notify the court in writing if they all agree to mediation.(Dambrosio, Jolyne) (Entered: 11/15/2006)
11/08/2006	<u>44</u>	JOINT STATEMENT of counsel <i>re: Status Conference</i> . (Blaisdell, Robert) (Entered: 11/08/2006)
10/25/2006	<u>43</u>	NOTICE of Status Conference: Status Conference set for 11/13/2006 02:00 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 10/25/2006)
10/11/2006		Judge Patti B. Saris : ELECTRONIC ENDORSEMENT denying <u>40</u> Objection to Report and Recommendations filed by Massachusetts Bay Commuter Railway Company. "Denied on the ground these issues were not raised before the Magistrate Judge." (Patch, Christine) (Entered: 10/13/2006)
10/10/2006		Judge Patti B. Saris : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>38</u> Report and Recommendations for <u>15</u> Motion to Dismiss. Action on motion: allowed in part and denied in part. "After review of Plaintiff's objections, the Court adopts the report and recommendation."(Patch, Christine) (Entered: 10/11/2006)
10/06/2006	<u>42</u>	MEMORANDUM OF LAW by Joseph T. Carmack in Support of <u>41</u> Amended Objection to Report and Recommendation on Defendant MBCR's Motion to Dismiss. (Attachments: # <u>1</u> Part 2 of 2# <u>2</u> Exhibit A# <u>3</u> Exhibit B)(Patch, Christine) (Entered: 10/12/2006)
10/06/2006	<u>41</u>	AMENDED DOCUMENT by Joseph T. Carmack. Amendment to <u>39</u> Objection to Report and Recommendations. (Patch, Christine) (Entered: 10/12/2006)
10/06/2006	<u>40</u>	OBJECTION to <u>38</u> Report and Recommendations filed by Massachusetts Bay Commuter Railway Company. (Blaisdell, Robert) (Entered: 10/06/2006)
10/03/2006	<u>39</u>	OBJECTION to <u>38</u> Report and Recommendations filed by Joseph T. Carmack.



		(Patch, Christine) (Entered: 10/05/2006)
09/22/2006		Judge Patti B. Saris : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for 6 Motion to Dismiss filed by Massachusetts Bay Commuter Railway Company, 18 Motion to Dismiss filed by Massachusetts Bay Transportation Authority. 6 Motion to Dismiss is denied as moot. 18 Motion to Dismiss is allowed. "I adopt without objection."(Patch, Christine) (Entered: 09/26/2006)
09/22/2006	<u>38</u>	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re 15 MOTION to Dismiss Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6) filed by Massachusetts Bay Commuter Railway Company. Recommendation: that the Motion be allowed in part and denied in part. Objections to R&R due by 10/6/2006.(Dambrosio, Jolyne) (Entered: 09/22/2006)
09/01/2006	<u>37</u>	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re 18 MOTION to Dismiss Counts II Through XV of Plaintiff's First Amended Complaint filed by the MBTA. Recommendation: that the Motion be allowed. Objections to R&R due by 9/18/2006.(Dambrosio, Jolyne) (Entered: 09/01/2006)
09/01/2006	<u>36</u>	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re 6 MOTION to Dismiss Pursuant to F.R.Civ.P. 12(b)(6) filed by Massachusetts Bay Commuter Railway Company. Recommendation: that the Motion be denied as moot. Objections to R&R due by 9/18/2006.(Dambrosio, Jolyne) (Entered: 09/01/2006)
03/15/2006		Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 3/15/2006 re 6 MOTION to Dismiss Pursuant to F.R.Civ.P. 12(b)(6) filed by Massachusetts Bay Commuter Railway Company,, 15 MOTION to Dismiss Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6) filed by Massachusetts Bay Commuter Railway Company,, 18 MOTION to Dismiss Counts II Through XV of Plaintiff's First Amended Complaint filed by Massachusetts Bay Transportation Authority,.; Pro Se Carmack and Attorneys Valicenti and Blaisdell; USMJ Dein hears arguments and take the motions under advisement. (Court Reporter DR.) (Quinn, Thomas) (Entered: 03/16/2006)
02/21/2006	<u>34</u>	EXHIBIT 27 re 30 Memorandum in Opposition to Motion for Summary Judgment, by Joseph T. Carmack. (Patch, Christine) (Entered: 03/02/2006)
02/16/2006	<u>35</u>	EXHIBIT P re 30 Memorandum in Opposition to Motion for Summary Judgment by Joseph T. Carmack, filed under seal. (Patch, Christine) (Entered: 03/02/2006)
01/31/2006		Electronic NOTICE of Hearing on Motion 6, 15 & 18 Defendants' MOTIONS to Dismiss : Motion Hearing set for 3/15/2006 10:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 01/31/2006)
01/27/2006	<u>33</u>	REPLY to Response to Motion re 18 MOTION to Dismiss Counts II Through XV of Plaintiff's First Amended Complaint filed by Massachusetts Bay Transportation Authority. (Attachments: # <u>1</u> Exhibit)(Valicenti, Todd) (Entered: 01/27/2006)
01/24/2006		Notice of correction to docket made by Court staff. Correction: Documents 29, 30, 31, and 32 corrected because: they were incorrectly scanned. Documents have been fixed accordingly. (Patch, Christine) (Entered: 01/24/2006)

01/17/2006	32	EXHIBITS re 29 Opposition to Motion, by Joseph T. Carmack. (Patch, Christine) Additional attachment(s) added on 1/24/2006 (Patch, Christine). (Entered: 01/19/2006)
01/17/2006	31	STATEMENT of Disputed Material Facts in Support of Opposition to MBCR's Motion to Dismiss. (Patch, Christine) Additional attachment(s) added on 1/24/2006 (Patch, Christine). (Entered: 01/19/2006)
01/17/2006	30	MEMORANDUM in Opposition re 6 MOTION to Dismiss Pursuant to F.R.Civ.P. 12(b)(6), 15 MOTION to Dismiss Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6), 18 MOTION to Dismiss Counts II Through XV of Plaintiff's First Amended Complaint filed by Joseph T. Carmack. (Patch, Christine) Additional attachment(s) added on 1/24/2006 (Patch, Christine). (Entered: 01/19/2006)
01/17/2006	29	Opposition re 6 MOTION to Dismiss Pursuant to F.R.Civ.P. 12(b)(6), 15 MOTION to Dismiss Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6), 18 MOTION to Dismiss Counts II Through XV of Plaintiff's First Amended Complaint and Counter Motion to Motions to Dismiss filed by Joseph T. Carmack. (Patch, Christine) Additional attachment(s) added on 1/24/2006 (Patch, Christine). (Entered: 01/19/2006)
01/05/2006		Judge Judith G. Dein : Electronic ORDER entered granting 27 Mass. Bay's Motion for Leave to File Reply. (Dambrosio, Jolyne) (Entered: 01/05/2006)
01/04/2006	27	MOTION for Leave to File a Reply to the Plaintiff's Opposition and "Counter Motion" to the Defendant Massachusetts Bay Commuter Railroad's Motion to Dismiss the Plaintiff's First Amended Complaint by Massachusetts Bay Commuter Railway Company.(Blaisdell, Robert) (Entered: 01/04/2006)
01/03/2006	28	MOTION to Impound Plaintiff's Motion to Proceed Under a Pseudonym by Joseph T. Carmack.(Patch, Christine) Modified on 1/9/2006 (Patch, Christine). (Entered: 01/06/2006)
01/03/2006		Judge Judith G. Dein : Electronic ORDER entered granting 26 MBTA's Motion for Leave to File a Reply to Plaintiff's Opposition and "Counter Motion." (Dambrosio, Jolyne) (Entered: 01/03/2006)
01/03/2006		Judge Judith G. Dein : Electronic ORDER entered regarding 23 Plaintiff's Motion for Extension of Time to File Memorandum and Statement of Material Facts in Opposition to Defendants' Motions to Dismiss Late Pending Order on Motion to Proceed Under a Pseudonym, and 25 Plaintiff's Motion to Seal. The Motion to Proceed Under a Pseudonym and Motion to Seal are denied. Plaintiff's Memorandum is to be filed by 1/17/06. (Dambrosio, Jolyne) (Entered: 01/03/2006)
12/29/2005	26	MOTION for Leave to File a Reply to the Plaintiff's Opposition and "Counter Motion" to the Defendant MBTA's Motion to Dismiss Counts II Through XV of the Plaintiff's First Amended Complaint by Massachusetts Bay Transportation Authority.(Valicenti, Todd) (Entered: 12/29/2005)
12/23/2005	25	MOTION to Impound Motion to Proceed Under a Pseudonym by Joseph T. Carmack.(Patch, Christine) (Entered: 12/29/2005)
12/23/2005	24	Opposition re 15 MOTION to Dismiss Plaintiff's First Amended Complaint



		<i>Pursuant to FED.R.CIV.P. 12(B)(6), 18 MOTION to Dismiss Counts II Through XV of Plaintiff's First Amended Complaint and Counter Motion to Motions to Dismiss filed by Joseph T. Carmack. (Patch, Christine) (Entered: 12/29/2005)</i>
12/23/2005	<u>23</u>	MOTION for Extension of Time to File Memorandum and Statement of Material Facts in Support of Opposition to Motion to Dismiss Late Pending Order on Motion to Proceed Under a Pseudonym by Joseph T. Carmack.(Patch, Christine) (Entered: 12/29/2005)
12/13/2005		Judge Judith G. Dein : Electronic ORDER entered finding as moot <u>14</u> Plaintiff's Motion for Leave to File Memorandum in Opposition to Motion to Dismiss. Plaintiff is to respond to the Motions to Dismiss the First Amended Complaint. (Dambrosio, Jolyne) (Entered: 12/13/2005)
12/12/2005	<u>21</u>	Judge Patti B. Saris: ORDER entered REFERRING for Report and Recommendation on <u>15</u> MOTION to Dismiss <i>Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6)</i> filed by Massachusetts Bay Commuter Railway Company, and <u>18</u> MOTION to Dismiss <i>Counts II Through XV of Plaintiff's First Amended Complaint</i> filed by Massachusetts Bay Transportation Authority, to Magistrate Judge Judith G. Dein.(Alba, Robert) (Entered: 12/12/2005)
12/09/2005	<u>22</u>	CERTIFICATE OF CONSULTATION re <u>14</u> MOTION for Leave to File Motion Memorandum Subsequent to Filing Opposition by Joseph T. Carmack. (Patch, Christine) (Entered: 12/13/2005)
12/09/2005	<u>20</u>	Supplemental MEMORANDUM in Support re <u>18</u> MOTION to Dismiss <i>Counts II Through XV of Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6)</i> filed by Massachusetts Bay Commuter Railway Company. (Blaisdell, Robert) (Entered: 12/09/2005)
12/09/2005	<u>19</u>	MEMORANDUM in Support re <u>18</u> MOTION to Dismiss <i>Counts II Through XV of Plaintiff's First Amended Complaint</i> filed by Massachusetts Bay Transportation Authority. (Valicenti, Todd) (Entered: 12/09/2005)
12/09/2005	<u>18</u>	MOTION to Dismiss <i>Counts II Through XV of Plaintiff's First Amended Complaint</i> by Massachusetts Bay Transportation Authority.(Valicenti, Todd) (Entered: 12/09/2005)
12/09/2005	<u>17</u>	<i>Answer to Count I of Plaintiff's First Amended Complaint</i> ANSWER to Complaint with Jury Demand by Massachusetts Bay Transportation Authority.(Valicenti, Todd) (Entered: 12/09/2005)
12/09/2005	<u>16</u>	MEMORANDUM in Support re <u>15</u> MOTION to Dismiss <i>Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6)</i> filed by Massachusetts Bay Commuter Railway Company. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> )(Blaisdell, Robert) (Entered: 12/09/2005)
12/09/2005	<u>15</u>	MOTION to Dismiss <i>Plaintiff's First Amended Complaint Pursuant to FED.R.CIV.P. 12(B)(6)</i> by Massachusetts Bay Commuter Railway Company. (Blaisdell, Robert) Modified on 9/25/2006 (Patch, Christine). (Entered: 12/09/2005)
12/05/2005	<u>14</u>	MOTION for Leave to File Memorandum in Opposition to Motion to Dismiss by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit Opposition to Motion to Dismiss)

		(Patch, Christine) (Entered: 12/08/2005)
12/05/2005		Judge Judith G. Dein : Electronic ORDER entered granting 12 & 13 Defendants' Motions for Extension of Time to 12/9/05 to Respond to First Amended Complaint. (Dambrosio, Jolyne) (Entered: 12/05/2005)
12/01/2005	13	First MOTION for Extension of Time to 12/9/05 to File Answer <i>and Motion to Dismiss</i> by Massachusetts Bay Transportation Authority.(Valicenti, Todd) (Entered: 12/01/2005)
12/01/2005		Notice of correction to docket made by Court staff. Correction: Document No. 11 terminated because it was filed using the wrong event. Please refer to Document No. 12 for corrected filing. (Patch, Christine) (Entered: 12/01/2005)
12/01/2005		Documents terminated: <u>11</u> Answer to Amended Complaint filed by Massachusetts Bay Commuter Railway Company,. (Patch, Christine) (Entered: 12/01/2005)
11/30/2005	12	Assented MOTION for Extension of Time to 12/9/05 to File Answer re 9 Amended Complaint by Massachusetts Bay Commuter Railway Company. Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 12/01/2005)
11/30/2005	11	ANSWER to Amended Complaint by Massachusetts Bay Commuter Railway Company.(Blaisdell, Robert) (Entered: 11/30/2005)
11/30/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>10</u> Plaintiff's Motion for Extension of Time to 12/5/05 to File Response to <u>6</u> MOTION to Dismiss. (Dambrosio, Jolyne) (Entered: 11/30/2005)
11/22/2005	<u>10</u>	MOTION for Extension of Time to 12/5/05 to File Response as to <u>6</u> MOTION to Dismiss <i>Pursuant to F.R.Civ.P. 12(b)(6)</i> by Joseph T. Carmack. (Attachments: # <u>1</u> Exhibit A)(Patch, Christine) (Entered: 11/29/2005)
11/15/2005	8	Judge Patti B. Saris: ORDER entered REFERRING case to Magistrate Judge Judith G. Dein for Full Pretrial Case Management not including Dispositive Motions, and for Report and Recommendation on <u>6</u> MOTION to Dismiss <i>Pursuant to F.R.Civ.P. 12(b)(6)</i> filed by Massachusetts Bay Commuter Railway Company. (Alba, Robert) (Entered: 11/15/2005)
11/14/2005	<u>9</u>	First AMENDED COMPLAINT against Massachusetts Bay Transportation Authority, Massachusetts Bay Commuter Railway Company, filed by Joseph T. Carmack. (Attachments: # <u>1</u> Complaint Part 2 of 2)(Patch, Christine) (Entered: 11/17/2005)
11/14/2005	7	MEMORANDUM in Support re 6 MOTION to Dismiss <i>Pursuant to F.R.Civ.P. 12(b)(6)</i> filed by Massachusetts Bay Commuter Railway Company. (Attachments: # <u>1</u> Excerpt Copy of Plaintiff's Complaint in 03-12488# <u>2</u> Excerpt Copy of Plaintiff's Complaint in 05-10185)(Blaisdell, Robert) (Entered: 11/14/2005)
11/14/2005	<u>6</u>	MOTION to Dismiss <i>Pursuant to F.R.Civ.P. 12(b)(6)</i> by Massachusetts Bay Commuter Railway Company.(Blaisdell, Robert) (Entered: 11/14/2005)
11/14/2005	<u>5</u>	ANSWER to Complaint with Jury Demand by Massachusetts Bay Transportation Authority.(Valicenti, Todd) (Entered: 11/14/2005)
11/10/2005	4	NOTICE of Appearance by Robert K. Blaisdell on behalf of Massachusetts Bay



		Commuter Railway Company (Blaisdell, Robert) (Entered: 11/10/2005)
10/17/2005	3	WAIVER OF SERVICE Returned Executed Massachusetts Bay Transportation Authority c/o Daniel A. Grabauskas, waiver sent on 9/13/2005, answer due 11/14/2005. (Patch, Christine) (Entered: 10/20/2005)
10/17/2005	2	WAIVER OF SERVICE Returned Executed Massachusetts Bay Commuter Railway Company c/o Richard A. Davey, waiver sent on 9/13/2005, answer due 11/14/2005. (Patch, Christine) (Entered: 10/20/2005)
06/30/2005		Summons Issued as to Massachusetts Bay Transportation Authority, Massachusetts Bay Commuter Railway Company. (Patch, Christine) (Entered: 07/08/2005)
06/30/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Patch, Christine) (Entered: 07/08/2005)
06/30/2005	1	COMPLAINT against Massachusetts Bay Transportation Authority, Massachusetts Bay Commuter Railway Company Filing fee: \$ 250, receipt number 65440, filed by Joseph T. Carmack. (Attachments: # 1 Civil Cover Sheet) (Patch, Christine) (Entered: 07/08/2005)

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